

REMARKS AND RESPONSES

Original claims 1-15 remain pending in the present application. Reconsideration of the application in view of the foregoing amendments and following comments is respectfully requested.

Claim Rejection - 35 U.S.C. §103

With respect to Paragraph 3 and 4 of the Office Action, the Office Action rejected claims 1-15 under 35 U.S.C. §103(a) as being unpatentable over Yamamoto in view of Okisu. Of the rejected claims, only claims 1 and 9 are independent.

Accordingly, applicants respectfully request that the rejection be withdrawn.

Making a Prima Facie Case of Equivalence (MPEP §2183)

If the examiner finds that a prior art element

(A) performs the function specified in the claim,

the examiner should provide an explanation and rationale in the Office action as to why the prior art element is an equivalent. Factors that will support a conclusion that the prior art element is an equivalent are:

(A) the prior art element performs the identical function specified in the claim in substantially the same way, and produces substantially the same results as the corresponding element disclosed in the specification. *Kemco Sales, Inc. v. Control Papers Co.*, 208 F.3d 1352, 54 USPQ2d 1308 (Fed. Cir. 2000)

In the claim 1 of the present application, the function of the “a boundary indicator means” is for effectively demarcating the image capture area of said image

capture device. The sensor 12 disclosed in Okisu is provided which is sensitive to infrared light for recognizing a reading area and detecting an object (Col. 4, lines 36-38). Okisu fails to disclose the sensor 12 is for effectively demarcating the image capture area of said image capture device. The sensor 12 disclosed in the Okisu is not an equivalent of the “a boundary indicator means” limitation.

Since neither the Yamamoto nor the Okisu teaches the desirability and thus the obviousness of making the combination is not satisfied. Therefore, the novel features of claims 1 produce new and unexpected results and hence are unobvious and patentable over these references.

Accordingly, Applicant respectfully submits that independent claim 1 is allowable over the art of record and respectfully requests the 35 U.S.C. §103(a) rejection of claim 1 to be reconsidered and withdrawn. In addition, insofar claims 2-8 depend from independent claim 1 respectively and add further limitations thereto, the 35 U.S.C. §103(a) rejection of these claims should be withdrawn as well.

Besides, the Examiner admits that Yamamoto does not teach or disclose a boundary indicator means (Page 3, last paragraph) but the Examiner rejects claims 4-6, the species of the “boundary indicator means” because Yamamoto discloses at least one lamp (Page 5, Paragraphs 2-4). The Examiner asserts that Yamamoto does not disclose “boundary indicator means” but discloses the species of the “boundary indicator means”, at least one lamp. The applicant can’t understand the opinions that the Examiner wants to express. The reasons of the rejection are lack of consistency.

Furthermore, comparing with the claim 1, the applicant uses the species of “boundary indicator means”, at least one lamp in the claim 9. For the reason as above, the applicant respectfully submits that independent claim 9 is also allowable over the art of record and respectfully requests the 35 U.S.C. §103(a) rejection of

claim 9 to be reconsidered and withdrawn. In addition, insofar claims 10-15 depend from independent claim 9 respectively and add further limitations thereto, the 35 U.S.C. §103(a) rejection of these claims should be withdrawn as well.


Reconsideration and withdrawal of this rejection is respectfully requested.

All claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

Conclusions

For all of the above reasons, applicants submit that the specification and claims are now in proper form, and that the claims are patentable over prior arts. Therefore applicants respectfully request issuance for this case at the Office Action's earliest convenience.

Respectfully submitted,
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